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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-177**

13 **SYLVIA REYES EUBEN**
20455 N. 91st Drive
14 **Peoria, AZ 85382**
Registered Nurse License No. 429892

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about August 31, 1988, the Board issued Registered Nurse License Number
22 429892 to Sylvia Reyes Euben ("Respondent"). Respondent's registered nurse license was in full
23 force and effect at all times relevant to the charges brought herein and will expire on September
24 30, 2010, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee for any reason provided in Article 3 (commencing with
28 section 2750) of the Nursing Practice Act.

1 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
4 (b), the Board may renew an expired license at any time within eight years after the expiration.

5 5. Code section 2761 states, in pertinent part:

6 The board may take disciplinary action against a certified or licensed
7 nurse or deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

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11 (4) Denial of licensure, revocation, suspension, restriction, or any other
12 disciplinary action against a health care professional license or certificate by another
13 state or territory of the United States, by any other government agency, or by another
14 California health care professional licensing board. A certified copy of the decision
15 or judgment shall be conclusive evidence of that action . . .

16 6. Code section 2762 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the
18 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
19 person licensed under this chapter to do any of the following:

20 (a) Obtain or possess in violation of law, or prescribe, or except as
21 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
22 himself or herself, or furnish or administer to another, any controlled substance as
23 defined in Division 10 (commencing with Section 11000) of the Health and Safety
24 Code or any dangerous drug or dangerous device as defined in Section 4022.

25 (b) Use any controlled substance as defined in Division 10 (commencing
26 with Section 11000) of the Health and Safety Code, or any dangerous drug or
27 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
28 in a manner dangerous or injurious to himself or herself, any other person, or the
29 public or to the extent that such use impairs his or her ability to conduct with safety to
30 the public the practice authorized by his or her license . . .

31 7. Code section 4022 states:

32 "Dangerous drug" or "dangerous device" means any drug or device
33 unsafe for self-use in humans or animals, and includes the following:

34 (a) Any drug that bears the legend: "Caution: federal law prohibits
35 dispensing without prescription," "Rx only," or words of similar import.

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1 (b) Any device that bears the statement: "Caution: federal law restricts
2 this device to sale by or on the order of a -----," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

3 (c) Any other drug or device that by federal or state law can be lawfully
4 dispensed only on prescription or furnished pursuant to Section 4006.

5 8. Health and Safety Code section 11170 states that no person shall prescribe,
6 administer, or furnish a controlled substance for himself.

7 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS AT ISSUE**

8 9. "Xanax," a brand of alprazolam, is a Schedule IV controlled substance as designated
9 by Health and Safety Code section 11057, subdivision (d)(1).

10 10. "Ambien," a brand of zolpidem tartrate, is a Schedule IV controlled substance as
11 designated by Health and Safety Code section 11057.

12 11. "Tramadol" (tramadol hydrochloride) is a dangerous drug within the meaning of
13 Code section 4022, in that it requires a prescription under federal law.

14 **COST RECOVERY**

15 12. Code section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Disciplinary Action by the Arizona State Board of Nursing)**

21 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
22 subdivision (a)(4), on the grounds of unprofessional conduct, as follows: On or about March 25,
23 2010, pursuant to Consent Agreement and Order No. 0902010 in the disciplinary action titled *In*
24 *the Matter of Registered Nurse License No. RN088219 Issued to: Sylvia R. Euben*, the Arizona
25 State Board of Nursing placed Respondent's license to practice registered nursing in the State of
26 Arizona on probation for 36 months on terms and conditions. A true and correct copy of Consent

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1 Agreement and Order No. 0902010 is attached hereto as exhibit A and incorporated herein.

2 Respondent admitted as follows:

3 a. On December 1, 2005, in Arizona Board of Nursing Case No. 0504037, Respondent
4 signed a Consent Agreement for a Decree of Censure for using Xanax and Ambien for at least
5 one month without a valid prescription.

6 b. On or about February 16, 2009, the Arizona Board received a complaint against
7 Respondent's license from Matthew Schaeffer, Recruiter for Maxim Healthcare Services, that
8 Respondent had tested positive for Tramadol on a pre-employment urine drug screen on January
9 28, 2009. Based upon the complaint, the Board conducted an investigation.

10 c. On or about October 16, 2009, Respondent underwent a substance abuse evaluation
11 conducted by Lynda Hermann Ph.D., M.P.H., L.I.S.A.C. Lynda Hermann opined that
12 Respondent should participate in a gender specific outpatient substance abuse program for 12
13 weeks which should be followed by a 6 month nurse support group to focus on relationship issues
14 and relapse prevention. Respondent should undergo urine drug screen monitoring for at least 18
15 months, and her psychotropic medications should be re-evaluated for effectiveness and changed if
16 necessary.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Self-Administration of Controlled Substances)**

19 14. Respondent is subject to disciplinary action pursuant to Code section 2761,
20 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
21 subdivision (a), in that Respondent self-administered the controlled substances Xanax and
22 Ambien without lawful authority therefor, as set forth in subparagraph 13 (a) above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Use of Controlled Substances to an Extent or in a Manner**

25 **Dangerous or Injurious to Oneself and/or Others)**

26 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
27 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
28 subdivision (b), in that Respondent used the controlled substances Xanax and Ambien to an

1 extent or in a manner dangerous or injurious to herself and/or others, as set forth in subparagraph
2 13 (a) above.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 429892, issued to Sylvia
7 Reyes Euben;

8 2. Ordering Sylvia Reyes Euben to pay the Board of Registered Nursing the reasonable
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions
10 Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 9/1/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

CONSENT AGREEMENT AND ORDER NO. 0902010

Janice K. Brewer
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3655
Phone (602) 771-7800 Fax (602) 771-7888
E-Mail: arizona@azbn.gov
Home Page: <http://www.azbn.gov>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **SYLVIA R EBUEN**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on March 29, 2010.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED
NURSE LICENSE NO. RN088219
ISSUED TO:

SYLVIA R. EBUEN
RESPONDENT

CONSENT AGREEMENT
AND
ORDER NO. 0902010

CONSENT AGREEMENT

A complaint charging Sylvia R. Ebuén, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN088219.
2. As evidenced by Arizona Board of Nursing Case No. 0504037, on December 1, 2005, Respondent signed a Consent Agreement for a Decree of Censure for using Xanax and Ambien for at least one month without a valid prescription.
3. On or about February 16, 2009, the Board received a complaint against Respondent's license from Matthew Schaeffer, Recruiter for Maxim Healthcare Services that Respondent had tested positive for Tramadol on a pre-employment urine drug screen (UDS) on January 28, 2009. Based upon the complaint, the Board conducted an investigation.

4. On or about October 16, 2009, Respondent underwent a substance abuse evaluation conducted by Lynda Hemann Ph.D., M. P.H., L.I.S.A.C. Lynda Hemann opined that Respondent should participate in a gender specific outpatient substance abuse program for twelve weeks which should be followed by a six month nurse support group to focus on relationship issues and relapse prevention. Respondent should undergo urine drug screen (UDS) monitoring for at least eighteen months, and her psychotropic medications should be re-evaluated for effectiveness and changed if necessary.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 (16) (d) and (j); (adopted effective August 2004; and A.A.C. R4-19-403 (B) (18) and (31) (adopted effective November 13, 2005).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 23 of the Order.

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Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Sylvia R. Eborn
Respondent

Dated: 3-25-10

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: January 28, 2010

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of this Order and waiver of public hearing is accepted.
- B. Respondent's license is placed on probation for thirty-six months. Prior to termination of probation, Respondent shall work as a registered nurse for a minimum of twelve months (not less than sixteen hours a week).
- C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.
- D. If Respondent is noncompliant with any of the terms of the Order during the thirty-six month probation portion of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.
- E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.
- F. The probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Stamping of License

Within seven days of the effective date of this Order, Respondent shall submit their license to be stamped "PROBATION." While this Order is in effect, if the Board issues any

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certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

2. Rehabilitation Program

Within seven days of the effective date of this Order, Respondent shall enter a chemical dependency rehabilitation program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry. The Program shall also notify the Board as to Respondent's participation and progress in, and discharge or termination from the program. At the completion of the program, Respondent shall cause the program director to provide the Board with documentation concerning Respondent's completion of the program and recommendations and arrangements for appropriate follow-up treatment. The Rehabilitation Program offered by New Horizons Counseling Services located in Glendale, Arizona meets the requirements recommended by Lynda Hemann Ph. D., M. P. H., L. I. S. A. C.

3. Aftercare Program

Within seven days of the completion of the rehabilitation program Respondent shall enter and must successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry into the program. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, for the

remainder of the probationary period or until completion of the aftercare program. The After Care Program offered by New Horizons Counseling Services located in Glendale, Arizona meets the requirements recommended by Lynda Hemann Ph. D., M. P. H., L. I. S. A. C.

4. Nurse Recovery Group

Within seven days of the completion of a Rehabilitation Program, Respondent shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

5. Participation in AA/NA

(a) Within seven days of the effective date of this Order, and throughout the term of this Order, Respondent shall participate at least weekly, or as recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her sponsor. The first report is due by the end of the first month after the effective date of the Order, and quarterly thereafter according to the assigned reporting dates.

(b) Respondent shall obtain a temporary sponsor, if participating in a twelve-step program, within thirty days of the effective date of this Order and a permanent sponsor within sixty to ninety days. Respondent shall maintain a sponsor relationship throughout the terms of this Order.

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6. Drug Testing

Within seven days of the effective date of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month for a period of eighteen months, thereafter, a minimum of once per month, and may be required more frequently as requested by the Board or its designee.

Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within seven days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board.

7. Abstain from Alcohol Use

Respondent shall abstain completely from the personal use of alcoholic beverages.

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8. Abstain From Unauthorized Drug Use/Proof of Prescription

Respondent shall abstain completely from the personal use or possession of controlled substances, as defined in the State Controlled Substances Act, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized by Respondent. Respondent shall immediately submit to that provider a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and shall execute all release of information form(s) as required by the Board or its designee. The medical provider shall, within one week of the effective date of the consent agreement, inform the Board, in writing, of knowledge of Respondent's Order and provide a list of medications prescribed for Respondent. DURING THE DURATION OF THE CONSENT AGREEMENT, RESPONDENT SHALL CAUSE ALL PROVIDERS TO NOTIFY THE BOARD OF ANY ADDITIONAL MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a narcotic or mood-altering drug, Respondent shall cause her prescribing provider to submit monthly reports to the Board by the 30th day of each month regarding the continued need for the prescribed narcotic or mood-altering medications. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Respondent shall keep a written record of

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medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

9. One Medical Provider

Within thirty days of the effective date of this Order, Respondent shall submit to the Board for approval the name of one treatment professional of Respondent's choice to conduct medical treatment for Respondent. Within seven days of receipt of approval from the Board Respondent shall make an appointment to begin participation in treatment. Respondent shall immediately execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement to all treating professional(s).

Within seven days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Respondent shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

10. One Pharmacy

Throughout the duration of this Order, Respondent shall use only one pharmacy from which to obtain his prescriptions. Within 30 days of the effective date of the Consent Agreement, Respondent shall submit in writing to the Board the name of every pharmacy and/or facility from which Respondent is currently obtaining prescription medications, and shall submit the name of the pharmacy from which she chooses to obtain future

prescriptions. Throughout the duration of the Order, Respondent must inform the Board in writing within 7 days of any additions or changes in pharmacies from which Respondent obtains medications. Respondent shall submit a copy of all pharmacy profiles to the Board on a quarterly basis according to the assigned reporting due dates, and upon request from the Board or its designee. The first report shall be due on the first quarterly due date after the effective date of this Order.

11. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within three (3) calendar days of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

12. Quarterly Reports

Within 30 days of the effective date of this Order, and quarterly thereafter, Respondent shall cause every employer Respondent has worked for to submit to the Board, in writing, quarterly employer evaluations on the Board-approved form. In the event Respondent is not employed in nursing or attending school during any quarter or portion thereof, Respondent

shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

Receipt of confirmation of employment disciplinary action, including written counseling(s), suspension, termination or resignation in lieu of termination from a place of employment, any of which pertains to improper patient care, unsafe practice, inappropriate medication removal or administration, sub-standard documentation, or impairment on duty, positive drug test showing evidence of any drug other than an authorized drug, and/or refusal to submit to an employer requested drug screen/testing, shall be investigated by Board staff and reviewed and substantiated by the Board's designee. If so investigated, reviewed and substantiated, the employment disciplinary action shall be considered as noncompliance with the terms of the Order.

Failure to provide employer evaluations or if not working in nursing, self-reports, within seven days of the reporting date is non-compliance with this Order and is not subject to further review.

13. Practice Under On-Site Supervision

Respondent shall practice as a registered nurse only under the on-site supervision of a registered nurse in good standing with the Board. On-site supervision is defined as having a registered nurse present in the building while Respondent is on duty. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned

supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

14. Acceptable Hours of Work

Respondent can work any shift. Respondent may be on duty by herself from on or about 5:30 a.m. until other staff arrive at or about 8:00 a.m. only while employed at Fresenius Dialysis. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

15. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

16. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

17. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. If Respondent fails to execute the releases, her license shall be reviewed by the Board for consideration of possible further discipline on Respondent's license.

18. Interview with the Board or its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

19. Renewal of License

In the event Respondent's registered nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

20. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within 7 days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

21. Obey All Laws

Respondent shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within 10 days, any misdemeanor or felony arrest or conviction.

22. Costs

Respondent shall bear all costs of complying with this Order.

23. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

24. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

25. Completion of Probation

When Respondent has nine months left in the probationary period, Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request

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formal review by the Board, and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: January 28, 2010

JR/srt:ts

COPY mailed this 9th day of February, 2010, by First Class Mail to:

Sylvia R Ebuon
20455 N 91st Dr
Peoria, AZ 85382

By: Trina Smith
Legal Secretary

EXECUTED SEALED COPIES mailed this 29th day of March, 2010, by First Class Mail to:

Sylvia R Ebuon
20455 N 91st Dr
Peoria, AZ 85382

By: Trina Smith
Legal Secretary